

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAURENCE RIDINGS,

Plaintiff,

-against-

LAFARGE NORTH AMERICA,

STIPULATION

Case No.: 1:08-CV-26
(FJS/RFT)

Defendant.

WHEREAS, Defendant Lafarge North America a/k/a Lafarge North America, Inc. ("Lafarge") was and is, a Maryland corporation with its principal place of business in Herndon, Virginia;

WHEREAS, Plaintiff Laurence Ridings ("Plaintiff") resides in the Town of Greenville, County of Greene, State of New York;

WHEREAS, Plaintiff commenced an action in New York State Supreme Court, County of Nassau entitled LAURENCE RIDINGS v. LAFARGE NORTH AMERICA, (Index No.: 07-016420) seeking compensatory damages in an amount to be determined at trial for personal injuries allegedly suffered by the Plaintiff at the Lafarge facility located in RAVENA, New York;

WHEREAS, Lafarge removed the action to United State District Court for the Northern District of New York, pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 based on the diversity of citizenship of the parties and the fact that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs;

WHEREAS Plaintiff desires to remand the action back to New York State Supreme Court and has voluntarily agreed to cap his alleged damages at \$74,900.00,

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NOW THEREFORE IT IS STIPULATED AND AGREED by the parties to this action that this matter shall be remanded to the New York State Supreme Court, County of Nassau, and it is further,

STIPULATED AND AGREED that the following jury instruction will be given at any trial in this matter, whether in federal or state court, concerning the damages allegedly recoverable by Plaintiff: "In reporting your verdict to the court, you will state either that it is in favor of the defendant or that it is in favor of the plaintiff. If your verdict is in favor of the plaintiff, you will state the amount you award to the plaintiff. The amount that you award to the plaintiff shall not, in any event, exceed \$74,900.00 exclusive of interest and costs", and it is further,

STIPULATED AND AGREED, that, in the event the jury returns a verdict in excess of \$74,900.00, Plaintiff will consent to a reduction of the verdict to \$74,900.00 or less, and it is further,

STIPULATED AND AGREED, that Plaintiff shall consent to service of Lafarge's response to the complaint and/or its appearance in the action on or before February 22, 2008, and it is further,

STIPULATED AND AGREED, that Plaintiff shall consent to the transfer of this action from Supreme Court, Nassau County to Supreme Court, Albany County, based on the residence of Lafarge.

DATED: January 23, 2008
Albany, New York

WHITEMAN OSTERMANN & HANNA LLP

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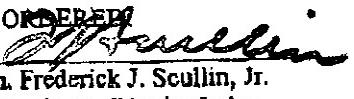
DATED: January 23, 2008
Mineola, New York

LAW OFFICES OF MARTIN H. POLLOCK

Martin H. Pollock, Esq.

Attorneys for Plaintiff
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Phone: (516) 739-2229

SO ORDERED


Hon. Frederick J. Scullin, Jr.
United States District Judge

1/28/08